

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

MEMPHIS HOTEL OWNERS LIMITED  
PARTNERSHIP, dba FOUR POINTS HOTEL  
AKA FOUR POINTS SHERATON HOTEL and  
HOTEL MANAGEMENT GROUP dba  
FOUR POINTS SHERATON HOTEL, aka  
FOUR POINTS HOTEL, and SHIVA  
ASSOCIATES,

Defendants.

CIVIL ACTION NO.

97-2257-DV

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CONSENT DECREE

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This action was instituted by the Equal Employment Opportunity Commission (hereinafter the "Commission") pursuant to §706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq., and Title I of the Civil Rights Act of 1991, 42 U.S.C. 1981a, against Defendant Memphis Hotel Owners Limited Partnership and Hotel Management Group dba Four Points Sheraton Hotel, aka Four Points Hotel, (hereinafter "Defendant MHOLF") and Shiva Associates (hereinafter "Defendant Shiva") to remedy unlawful practices alleged in the Complaint filed in this action.

Specifically, the Complaint alleged that Defendants violated Section 703(a) of Title VII, as amended, 42 U.S.C. §2000e, when a contractor retained by the former owners of the Hotel, i.e. Shiva Associates, sexually harassed an employee of the hotel by the name of Linda M. Norvell.

The Parties, being desirous of settling this action,

This Consent Decree does not and shall not constitute an adjudication or finding upon the merits of the case and shall in no way be construed as an admission by Defendant of any violation of Title VII or any other law, rule, or regulation dealing with or in connection with equal employment opportunities. The parties have consented to the entry of this Decree to avoid the burdens of further litigation.

This Consent Decree does not resolve the matter as to the Defendant MHOLP. The Commission and Defendant MHOLP, however, have agreed in a separate stipulation to the dismissal of this action as to Defendant MHOLP.

The Court has reviewed the terms of the proposed Consent Decree in light of the applicable laws and regulations, the statements and representations of counsel for all parties, and hereby approves the Consent Decree.

NOW, THEREFORE, the Court being fully advised in the premises, it is hereby ORDERED, ADJUDGED AND DECREED:

**I. SCOPE AND DURATION OF DECREE**

A. This Consent Decree resolves all issues and claims arising out of the Commission's Complaint in this cause, alleging unlawful employment policies and practices maintained by Defendant Shiva at its facilities and arising out of Charge No. 250-96-0951 filed with the Commission by Charging Party Linda Norvell. Notwithstanding any provisions contained in this Decree, this agreement shall not be considered in any manner to

## II. NON-RETALIATION PROVISION

Defendant, its officers, agents, employees, and all persons acting in concert with the Defendant are hereby enjoined from engaging in any employment practice which has the purpose or effect of retaliating against any employee for opposing discriminatory employment practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended, or for making a charge or complaint to the Commission, testifying, assisting or participating in any manner in any investigation, proceeding or hearing under Title VII of the Civil Rights Act of 1964, as amended.

## III. INDIVIDUAL RELIEF

A. The Defendant Shiva agrees to pay ten thousand dollars (\$10,000) by check to Linda M. Norvell subject to receiving a release from Linda M. Norvell affixed hereto as Attachment A.

Said check shall be made payable to "Linda M. Norvell". Defendant Shiva has mailed said check to the Commission who shall hold the check in safekeeping until such time as the Court approves this decree at which time the Commission shall contact Ms. Norvell and ask her to come to the office and sign the release identified as Attachment A and give her the check. The Commission shall send the release to the Attorney for Defendant Shiva.

Each of the parties shall bear it's own costs in this action.

SO ORDERED THIS 17th DAY OF March, 1998.

*Bernice B. Donald*

BERNICE B. DONALD  
UNITED STATES DISTRICT JUDGE

BY CONSENT:

FOR DEFENDANT:  
ATTORNEY FOR SHIVA ASSOCIATES

*Royce Taylor*

ROYCE TAYLOR  
117 North Maple Street  
Memphis, TN. 37133  
(615) 890-0250

FOR PLAINTIFF:  
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

C. GREGORY STEWART  
General Counsel

GWENDOLYN YOUNG REAMS  
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*Katharine W. Kores / Terry Beck*

KATHARINE W. KORES  
Regional Attorney

*Terry Beck*

TERRY BECK  
Supervisory Trial Attorney

*George C. Bradley*

GEORGE C. BRADLEY  
Senior Trial Attorney

*Draga G. Anthony*

DRAGA G. ANTHONY  
Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

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IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY  
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MEMPHIS HOTEL OWNERS LIMITED  
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INDIVIDUAL WAIVER AND RELEASE OF CLAIMS  
OF LINDA M. NORVELL

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In consideration of my receipt of \$10,000.00 less deductions if any, under the Consent Decree entered in and approved by the Honorable Barnice B. Donald, United States District Judge (the "Consent Decree") in the above captioned matter, I, Linda M. Norvell, hereby irrevocably and unconditionally releases Shiva Associates together with its owners, stockholders, officers, directors, employees, representatives, and agents, and each of their respective successors and assigns (referred to collectively as the "Releasees") from any and all claims of sexual harassment which arose or could have arisen from EEOC charge No. 250-96-0961 or the Complaint filed in this action under Title VII of the Civil Rights Act of 1964, as amended.

ATTACHMENT A

I acknowledge that I have been advised in writing that I may consult with an attorney of my own choosing prior to executing this Release, that I have been given at least twenty-one days to consider the Release, and that I am knowingly and voluntarily entering into this Release in exchange for the payment being made to me under the Consent Decree.

\_\_\_\_\_  
Signature of Linda M. Norvell

Sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 1998

\_\_\_\_\_  
Notary Public

My Commission expires \_\_\_\_\_

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